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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,042	08/29/2005	Harold Russell Motson	118989-05017145	5681
20583	7590	09/21/2010		
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			EXAMINER ASDJODI, MOHAMMAD REZA	
			ART UNIT	PAPER NUMBER
			1796	
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			09/21/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/525,042	Applicant(s) MOTSON ET AL.	
	Examiner M. REZA ASDJODI	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5 and 7-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5, and 7-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/05/10 has been entered.

This Office action is in response to Applicant's amendment filed 08/05/10. Applicant has amended claims 2, 7, 8, 10 and cancelled claims 1, and 6. . Currently, claims 2-5, and 6-26 remain pending in the application.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 20, 2-5, 7-10, and 21-26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Romack et al. (US 6,258,766 B1), in view of Jureller et al. (US 5,676,705), and Chen et al. as, also, evidenced by Goldoni et al. (US 2005/0132502 A1).

Regarding claims 20, 21, Romack et al. teach a method and composition for dry cleaning (1: 60-68, 2: 1-3) wherein the textile are contacted with a treatment medium based on liquid CO₂; [3: 41-50], which includes nonionic surfactants such as alkoxylated alcohols and fatty acids (surfactants or conditioning medium) by the amount of 0.1-10%; [3: 41-50, 4: 5, 2: 60-63]. Romack et al. claims no cleaning additives; [10: 44-65].

Regarding claims 2-5, 7, and 22-25, Romack et al. do not specifically

Art Unit: 1796

point to the fatty alcohol branched polyalkyloxyate of formula (I), even though considering the list of similar compounds (fatty alcoholethoxylates) on column 4, their presence is quite obvious. However, Jureller et al. teach a similar CO₂ based cleaning composition comprising the fatty alcohol branched polyalkyloxyate of instant claim; [9: formula II, claim 1]. Considering the taught ranges of parameters A, A', d, L, L', e, f, n, g, o, z, G, and h as defined; [5: 4-26, 6; 1-3, 10: 22-29], the exemplified structure is HO (CH (CH₃) CH₂O)_i (CH₂)_m CH₃, where $m_{\text{claim}} = i_{\text{ref.}} = 1-50$; [10: 25-26, 11: 23], and $R^1_{\text{claim}} = \text{C}_8\text{-C}_{22}$, $R^2_{\text{claim}} = \text{H}$. Jureller et al. and Romack et al. are analogous art because they are from the same field of endeavour, that of CO₂ based dry cleaning compositions and methods. At the time of invention, it would have been obvious to a person of ordinary skill in the art to use the same types of fatty alcohols of Jureller et al. (which are functional equivalent) in the dry cleaning Process. Furthermore as stated by Romack et al. any compatible surfactants can be used (i.e. nonionic, alkoxyated alcohol); [3: 41-41], as the claimed fatty alcohol branched polyalkoxyates are amongst nonionic surfactants. This fact is further evidenced by Goldoni et al. where they use an identical fatty alcohol branched polyalkoxyate as nonionic surfactants (by the amount of 0.001-10%; 0023) in their dry cleaning composition; [00124-00127].

Regarding claim 20, Romack et al. do not expressly teach separate treatment of cleaned textile material with conditioning agent. However, Chen et al. teach a clothing treating apparatus, for dry cleaning, wherein the clothing are conditioned with any desired conditioning material after being cleaned with dry cleaning medium; [1: 5-10, 25-35]. At the time of invention, it would have been

Art Unit: 1796

obvious to a person of ordinary skill in the art to treat the textile material with any desired conditioning agent with the motivation of enhancing the conditioning efficacy as evidenced by Chen et al. Furthermore, In general, the transposition of process steps or the splitting of one step into two, where the processes are substantially identical or equivalent in terms of function, manner and result, was held to not patentably distinguish the processes, see *Ex parte Rubin*, 128 USPQ 159 (PO BdPatApp 1959).

Regarding claim 26, Romack et al. teach a multi-ester additive such as dimethyl succinate which is equivalent to that of formula (II) with molecular weight of less than 750; [3: 20-26].

Regarding claim 9, Romack et al. teach a multi-ester additive such as dimethyl succinate which is equivalent to that of formula (II) with molecular weight of less than 750; [3: 20-26].

Regarding claim 10, Romack et al. teach the basic method of cleaning a textile by contacting it with carbon dioxide based cleaning and conditioning agent. Additionally, with respect to this limitation of instant claim the *MPEP* 2144.04, II states that: "Omission of an Element and Its Function Is Obvious if the Function of the Element Is not Desired: *Ex parte Wu*, 10 USPQ 2031 (Bd. Pat. App. & Inter. 1989)". At the time of invention it would have been obvious to a person of ordinary skill in the art to include or exclude any one of cleaning and conditioning ingredients with the motivation of cleaning, or rinsing them without surfactants or conditioning components, as is further evidenced by Jureller et al.; [22: table 2, 24: table 4].

Art Unit: 1796

Claims 11-15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Romack et al. (US 6,258,766 B1), in view of Jureller et al. (US 5,676,705), as, also, evidenced by Goldoni et al. (US 2005/0132502 A1).

Regarding claims 11, 14, and 15, Romack et al. teach a method and composition for dry cleaning (1: 60-68, 2: 1-3) wherein the textile are contacted with a treatment medium based on liquid CO₂; [3: 41-50], which includes a multi-ester additive such as dimethyl succinate which is equivalent to that of formula (II) with molecular weight of not more than 750, and by the amount of 0.1-50%; [3: 20-26, 2: 63-65], alkoxylated alcohols and fatty acids (surfactants or conditioning medium) by the amount of 0.1-10%; [3: 41-50, 2: 60-63], and fragrance and bleaches; [5: 60-65]. Presence of detergents are optional; [5: 61-65].

Regarding claim 13, Romack et al. do not specifically point to the fatty alcohol branched polyalkyloxyate of formula (I), even though considering the list of similar compounds (fatty alcoholethoxylates) on column 4, their presence is quite obvious. However, Jureller et al. teach a very similar CO₂ based cleaning composition comprising the fatty alcohol branched polyalkyloxyate of instant claim; [9: formula II, claim 1], when considering the taught ranges of parameters A, A', d, L, L', e, f, n, g, o, z, G, and h as defined; [5: 4-26, 6: 1-3, 10: 22-29], the exemplified structure is $\text{HO}(\text{CH}(\text{CH}_3)\text{CH}_2\text{O})_i(\text{CH}_2)_m\text{CH}_3$, where $m_{\text{claim}} = i_{\text{ref}} = 1-50$; [10: 25-26, 11: 23], and $R^1_{\text{claim}} = \text{C}_8\text{-C}_{22}$, $R^2_{\text{claim}} = \text{H}$. Jureller et al. and Romack et al. are analogous art because they are from the same field of endeavour, that of CO₂ based dry cleaning compositions and methods. At the time of invention, it would have been obvious to a person of ordinary skill in the

Art Unit: 1796

art to use the same types of fatty alcohols of Jureller et al. (which are functional equivalent) in the Process. Furthermore as stated by Romack et al. any compatible surfactants can be used (i.e. nonionic, alkoxylated alcohol), as the claimed fatty alcohol branched polyalkoxylates are amongst nonionic surfactants. This fact is further evidenced by Goldoni et al. where they use an identical fatty alcohol branched polyalkoxylate as nonionic surfactants (by the amount of 0.001-10%; 0023) in their dry cleaning composition; [00124-00127].

Regarding claim 12, Romack et al. teach the basic method of cleaning a textile by contacting it with carbon dioxide based cleaning and conditioning agent. Additionally, with respect to this limitation of instant claim the *MPEP 2144.04, II* states that: "Omission of an Element and Its Function Is Obvious if the Function of the Element Is not Desired: *Ex parte Wu*, 10 USPQ 2031 (*Bd. Pat. App. & Inter.* 1989)". At the time of invention it would have been obvious to a person of ordinary skill in the art to include or exclude any one of cleaning and conditioning ingredients with the motivation of cleaning, or rinsing them without surfactants of conditioning components, as is further evidenced by Jureller et al.; [22: table 2, 24: table 4].

Claims 16-19, and 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Romack et al. (US 6,258,766 B1), in view of Jureller et al. (US 5,676,705), as, also, evidenced by Goldoni et al. (US 2005/0132502 A1).

Regarding claims 16, 18, 19, and 24, Romack et al. teach a method and composition for dry cleaning (1: 60-68, 2: 1-3) wherein the textile are contacted with a treatment medium based on liquid CO₂; [3: 41-50], which includes

Art Unit: 1796

alkoxylated alcohols and fatty acids (surfactants or conditioning medium) by the amount of 0.1-10%; [3: 41-50, 2: 60-63].

Regarding claims 16, and 19, Romack et al. do not specifically point to the fatty alcohol branched polyalkyloxyate of formula (I), even though considering the list of similar compounds (fatty alcoholethoxylates) on column 4, their presence is quite obvious. However, Jureller et al. teach a very similar CO₂ based cleaning composition comprising the fatty alcohol branched polyalkyloxyate of instant claim; [9: formula II, claim 1], when considering the taught ranges of parameters A, A', d, L, L', e, f, n, g, o, z, G, and h as defined; [5: 4-26, 6; 1-3, 10: 22-29], the exemplified structure is $\text{HO}(\text{CH}(\text{CH}_3)\text{CH}_2\text{O})_i(\text{CH}_2)_m\text{CH}_3$, where $m_{\text{claim}} = i_{\text{ref.}} = 1-50$; [10: 25-26, 11: 23], and $R^1_{\text{claim}} = \text{C}_8-\text{C}_{22}$, $R^2_{\text{claim}} = \text{H}$. Jureller et al. and Romack et al. are analogous art because they are from the same field of endeavour, that of CO₂ based dry cleaning compositions and methods. At the time of invention, it would have been obvious to a person of ordinary skill in the art to use the same types of fatty alcohols of Jureller et al. (which are functional equivalent) in the Process. Further more as stated by Romack et al. any compatible surfactants can be used (i.e. nonionic, alkoxylated alcohol), as the claimed fatty alcohol branched polyalkoxyates are amongst nonionic surfactants. This fact is further evidenced by Goldoni et al. where they use an identical fatty alcohol branched polyalkoxyate as nonionic surfactants (by the amount of 0.001-10%; 0023) in their dry cleaning composition; [00124-00127].

Regarding claim 17, Romack et al. teach that the cleaning additives are optional; [5: 61-65]. additionally, with respect to this limitation of instant claim

Art Unit: 1796

the *MPEP 2144.04, II* states that: "Omission of an Element and Its Function Is Obvious if the Function of the Element Is not Desired: *Ex parte Wu*, 10 USPQ 2031 (*Bd. Pat. App. & Inter.* 1989)". At the time of invention it would have been obvious to a person of ordinary skill in the art to include or exclude any one of cleaning and conditioning ingredients with the motivation of cleaning, or rinsing them without surfactants or conditioning components, as is further evidenced by Jureller et al.; [22: table 2, 24: table 4].

Response to Arguments

Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection. However the relevant arguments are to be responded.

A- In response to applicant's argument that: "Romack and Jureller do not teach any conditioning step": it should be noted, that the applicant's conditioning ingredients are the same as their cleaning composition's ingredient, and therefore any repetition of the same process with a different name does not impart patentability. Consequently, and in general, the transposition of process steps or the splitting of one step into two, where the processes are substantially identical or equivalent in terms of function, manner and result, was held to not patentably distinguish the processes, see *Ex parte Rubin*, 128 USPQ 159 (PO BdPatApp 1959). However, Chen et al. is presented in the new ground of rejection.

B- In response to applicant's argument that: "Romack does not suggest branched polyalkoxylates": it should be noted that, apparently the reading and

Art Unit: 1796

interpretation of applicant from Romack is different than that of the examiner.

Romack: I) - vividly indicates that : “any surfactant can be used to carry out the present invention; 3: 41-42”. II) - Then, he goes of to teach the same generally related nonionic surfactant which are very akin to that of claimed branched alkoxyates (ethoxylated fatty acid alcohols, or ethoxylated alcohols; [3: 59, 4: 5]. Therefore, the mere combination of Romack and Jureller is only a natural obviousness, whis is also, and additionally, evidenced by Goldoni et al. in this office action. Applicant’s arguments are not persuasive.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. M. Reza Asdjodi whose telephone number is (571)270-3295. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Mr. Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

Art Unit: 1796

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Milton I. Cano/
Supervisory Patent Examiner, Art Unit 1796

/M.R.A./
Examiner, Art Unit 1796
09/08/10